

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAVID EARL BURGERT JR.,

Civil No. 06-3286 PJS/AJB

Petitioner,

v.

O R D E R

UNITED STATES OF AMERICA,
U.S. ATTORNEY GENERAL,
U.S. DEPARTMENT OF HEALTH
(SECRETARY), FEDERAL BUREAU OF
PRISONS, MARTY ANDERSON,
DAVID EDWARDY, (FNN) O'GRADY,
B. GLAVINOVICH, and
1 UNKNOWN HEAD OF PHARMACY,

Respondents.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by
United States Magistrate Judge Arthur J. Boylan dated September 21, 2006, all the files
and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

This action is **DISMISSED WITHOUT PREJUDICE.**

DATED: 10/11, 2006.

s/Patrick J. Schiltz
Judge Patrick J. Schiltz
U. S. District Court